



4-24-03

9 AF
Reg 3644
Recons.
Coper
5-6-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Stephen M. Brinkman

§
§
§
§
§
§

Atty. Docket No: B-0114.07

Application No: 10/017,578

Examiner: Bret C. Hayes

Filed: December 14, 2001

Group Art Unit: 3644

For: FISH CATCHING SYSTEM

AMENDMENT AFTER FINAL REJECTION

RECEIVED

MAY 02 2003

GROUP 3600

BOX AF
ASSISTANT COMMISSIONER
FOR PATENTS
Washington, D.C. 20231

Sir:

Applicant timely responds to the Final Office Action dated February 24, 2003, as follows:

REMARKS

Claims 1-41 remain in the referenced application.

An Information Disclosure Statement is submitted herewith to place before the Examiner three references cited in a PCT application related to the referenced application.

Claims 1-41 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-27 of copending Application No. 09/819,584, which is a CIP of 09/745,235. The Examiner admits claims 1-41 are not identical subject matter to claims 1-27 of copending Application No. 09/819,584. The Examiner however asserts claims 1-41 would have been obvious to one of ordinary skill in the art at the time the invention was made in view of claims 1-27 of copending Application No. 09/819,584. As the outstanding rejection is based upon the judicially created doctrine of obviousness-type double patenting, Applicant submits herewith a Terminal Disclaimer correcting the defects in the previously submitted Terminal Disclaimer in order to overcome the outstanding rejection. In view of the submission of the corrected Terminal Disclaimer, Applicant respectfully submits the rejection of claims 1-41 has been overcome and thus requests the withdrawal of the provisional rejection of claims 1-41 under the judicially created doctrine of obviousness-type double